

**MINUTES OF THE 16 FEBRURAY 2005
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Odom called the meeting to order at 7:30 p.m. Other commissioners in attendance were Lake, Bucquet and Fulkerson. Commissioner Kenny was absent. Council Liaison Heyenga was in attendance. Staff in attendance were Brown, Parker and Leachman.

II. APPROVAL OF MINUTES – NOVEMBER 17, 2004

There were no comments on the minutes. Bucquet moved to approve the minutes as submitted. Lake seconded. All were in favor. The motion passed 4-0.

III. APPROVAL OF AGENDA

Odom commented that since all commissioners were not in attendance he would like to postpone electing a new chair and vice chair until next meeting. Lake made a motion to approve the amended agenda. Fulkerson seconded. All were in favor. The motion passed 4-0.

IV. ITEMS FROM THE FLOOR

There were no items from the floor.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. Elect a new Chair / Vice Chair / OWTS Advisory Committee member.

Election of the new Chair and Vice Chair was postponed until the next meeting during the approval of the Agenda (see item III. above). Staff discussed the need elect the final OWTS Advisory Committee member at this meeting. It was noted that this was timely matter so the Committee could start meeting. Fulkerson nominated Odom and moved the item. Lake seconded. Motion passed 4-0.

2. Amerine 2005-01: Use Permit and Coastal Development Permit to remove a large (>12" DBH) eucalyptus tree from the northwest corner of the property that is causing a nuisance and potential hazard to structures. 652 Underwood Drive; APN: 042-031-12.

Parker explained that under the City's ordinances this project needs a use permit and coastal development permit from the City. Parker summarized the staff report. She indicated that the only response to referrals from other departments was from the City Engineer who stated that care should be taken to avoid utility lines and to control erosion. Parker read through the required findings and proposed conditions of approval. She noted that the proposed project does not raise any planning issues except for protection of the leachfield, and runoff and erosion control.

There were no initial comments or questions from the Commission. Odom opened the hearing to public comments. Heyenga asked Parker about the procedural aspects of meeting conditions of approval numbers 2 and 4 which state that the City Clerk must verify such conditions have been met. Parker stated it was the responsibility of the applicant to obtain a verbal approval form the Clerk and to obtain an encroachment permit if necessary. Heyenga then asked if the applicant had to show proof to the Clerk. Parker indicated that the applicant could either “flag-and-stake” the leech field or submit a written description of the techniques use to protect it from vehicle driving on it.

Bucquet made a motion to adopt the findings in the staff report and approve the removal of the tree as conditioned in the staff report. Lake seconded. Fulkerson stated that she felt she could not make some of the view protection findings project because removal of the tree would have a visual impact. Motion passed 3-1.

3. Reinschmidt 2005-02: Design Review and Coastal Development Permit to place a new 1,960 s.f., 20’ tall, 3-bdrm manufactured home, with garage, decks, utilities and a septic system on a vacant lot. Berry Road (un-addressed) at its intersection with Frontage Road; APN: 515-331-47.

Parker described the need for a coastal development permit and design review approval for this project. She then reviewed the staff report. She indicated that the property had previously been annexed with a lot line adjustment that included approval of a specific development plan. This plan designated buildable and septic areas. In terms of referrals, the City Engineer and Building Official made comments that were addressed in the conditions of approval to be complied with through the building permit process. Odom clarified that the northern, not southern, portion of the property was zoned Special Environment and that page 6 of the staff report should be corrected to reflect that. Parker noted that the staff report recommended that the septic area be designed as a four-bedroom system in order to accommodate possible future conversion of the workshop into a second unit. Parker also noted that the geologic report recommended a setback of 20 feet from the western property line, but the plan showed an 18-foot setback. Therefore, the requirement for a 20-foot setback had been made a condition of approval. Parker noted that one of the requirements of the previously approved development plan had been to do a botanical survey due to the potential for finding a rare plant as mapped in the 1978 General Plan. Parker explained (as is in the staff report) that this had not been made a condition of this project approval, because staff found that the plant, which was no longer listed as rare, should not be found in the forest habitat existing on the project property.

There were no initial comments or questions from the Commission. Odom opened the hearing to public comments; there were none. He also raised concerns about the driveway material and suggested a paved apron at the street access point. It was noted that an apron already exists. The issue of the amount of pavement was also discussed, but determined not to be an issue.

Odom also brought up the issue of the possibility of creating a second unit with the bathroom in the workshop. There was a discussion regarding this issue. The applicant stated that the workshop was an art studio for his wife and the bathroom was included for her convenience. Bucquet asked if the shop would have a concrete slab floor; the applicant stated that it would. Bucquet felt that this would prevent the owner from installing a shower and it should not become an issue. There was a discussion about the capacity of the septic system. Parker indicated that the county uses the number of bedrooms not the number of bathrooms or the size of the house. It was determined that the system would be a pump type, and therefore fall under the County's alternative system requirements and receive more oversight than a normal system.

Fulkerson indicated a concern about making design review finding A for a pre-fabricated building, when the finding states that structures should be designed to fit the site. Parker stated the issue had not come up before, since this was the first such building. She noted that, as with many of the other findings, the determinations are somewhat subjective and up for Planning Commission consideration. It was noted that the likely reason for this finding is to minimize site disturbance. Fulkerson said she had no problem with this design, but that she was curious about how decisions were made, because it had become an issue on other projects in town. Parker suggested that previous development plan addressed the design to fit issue and staff and the Commission were satisfied that the criteria were all adequately met.

Lake moved to adopt the information and findings in the staff report and approve the project as conditioned in the staff report. Bucquet seconded. Motion passed 4-0.

4. Trinidad 2005-03: Design Review, Coastal Development Permit and Conditional Use Permit to install a 20" x 30", approximately 3' tall interpretive trail sign near the bench at the Trinidad Head trail entrance, near the intersection with the Trinidad Head road. Trinidad Head Trail; APN: 042-121-05.

Parker explained that under City ordinances this project needed a conditional use permit, coastal development permit and design review from the City. Parker reviewed and summarized the staff report. She indicated that the only response to referrals was from the City Engineer who stated that care should be taken to control erosion during construction. Parker noted that the proposed project does not raise any planning / regulatory issues except erosion control, which was addressed as a condition of approval. She did note that the Tsurai Ancestral Society (TAS) had written a letter objecting to the sign.

Fulkerson asked why the Tsurai had not been consulted as to the content of the sign. Parker indicated that there was no requirement for consultation and that the official in charge of processing the project had chosen not to seek any public input in order to avoid delays. It was noted that this hearing was an opportunity for public comment, but there were no TAS representatives present.

Parker clarified the tribe's position, noting that they were more likely objecting to the process rather than the sign itself. She also noted that, based on previous comments, the TAS may not approve of any signage until there is a management plan in place for the Tsurai Study Area. It was noted that there would not be a management plan in the near future. There was a discussion regarding this issue. The Commission expressed a desire to address the TAS's concerns and get their input, while not unnecessarily holding up the project. Odom suggested that the Commission approve the location and design, but add a condition that the content be worked out between the City and the Tsurai prior to installation. Lake asked if there were any funding deadlines. No one knew of any funding issues. Brown listed several options for the Commission to consider. After a brief procedural discussion the commission agreed to refer the sign's content to Councilman Marlow to be coordinate with the tribe.

Lake moved to make the findings in the staff report and approve the project, as conditioned in the staff report with the added condition that Councilmember Marlow contact the TAS to attempt to reach an agreement on the sign's content. Fulkerson seconded. Motion passed 4-0.

5. Lake 2004-03ext: Request for extension of Design Review and Coastal development Permit approval to construct a 10' x 10' storage shed within a front yard setback to protect coastal views. 740 Edwards Street; APN: 042-041-26.

Odom stated that this project was approved by the Commission in 2004, but that it had not yet been constructed, so the applicant had applied for an extension. Lake recused herself and left the table. Parker reviewed information contained in the staff report. She indicated that there were no responses to referrals from other departments/agencies. Parker noted that the proposed project does not raise any new issues.

Fulkerson moved to approve the one-year extension. Bucquet seconded. Motion passed 3-0.

6. Request for ABC required City approval of a beer/wine license at Kahish's Catch Café (currently the Blue Heron).

Odom introduced the item. Parker referred to Heyenga's memo, which states that due to the number of existing ABC permits in Trinidad's census tract, the ABC will need a letter from the City indicating that the granting of an additional license will not be detrimental to the community. Heyenga volunteered to write the letter if the Commission was in favor of the license. The Commission held a brief discussion of the matter and Heyenga and the applicant answered questions regarding the number of existing establishments and open container laws. Fulkerson moved to approve the writing of such a letter. Bucquet seconded. Motion passed 4-0.

VI. STAFF REPORT.

1. Septic program update

Parker updated the Commission on the work being done to implement the City's OWTS Management Program, under the two septic grants.

2. Website

Parker noted that the City now has a live website that can be found at www.trinidad.ca.gov

3. OWTS Advisory Committee Workshops

Parker stated that staff would soon be organizing the first meeting of the OWTS Advisory Committee.

4. Planning Commission Handbook

Parker announced that staff had been working on a Planning Commissioner's Handbook, that would include information on City land use regulations as well as general planning commission information..

VI. COUNCIL LIAISON

Heyenga had four items to report from Council business:

1. Views and Vegetation

There is a lot of support for some type of ordinance. After two years of work a draft should be ready by February or March.

2. Bike Friendly Proposal

Council supported proposal to install bike-parking facilities in town.

3. Town Hall structural foundation

Council approved bid from Spencer engineering for construction.

4. Fire Safe Planning

A Fire Safety meeting will be held in Town Hall March 2nd.

VIII. ADJOURNMENT

The meeting was adjourned at 9:25

Respectfully submitted by: Trevor Parker, Assistant City Planner
Secretary to the Planning Commission
City of Trinidad